



June 13, 2018

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Promoting Investment in the 3550-3700 MHz Band, GN Docket No. 17-258*
Preservation of One Vacant Channel in the UHF Television Band for Use by White
Space Devices and Wireless Microphones, MB Docket No. 15-146
Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the
Television Bands, Docket 14-165
Revision of Part 15 of the Commission's Rules to Permit Unlicensed National
Information Infrastructure Devices in the 5 GHz Band, ET Docket No. 13-49

Dear Ms. Dortch:

On June 11, 2018 Michael Calabrese of the Open Technology Institute at New America (OTI), and Phillip Berenbroick of Public Knowledge, both representing the Public Interest Spectrum Coalition (PISC), met with Rachael Bender, Wireless and International Advisor to Chairman Ajit Pai, Erin McGrath, Legal Advisor to Commissioner Michael O'Rielly, and Will Adams, Legal Advisor to Commissioner Brendan Carr, concerning the above-listed proceedings.

With respect to the NPRM proposing to re-open and revise the licensing rules for the new Citizens Broadband Radio Service (CBRS),¹ we reiterated the points made in PISC's May 30 *ex parte* letter, which was submitted by OTI and Public Knowledge along with Consumers Union, the Schools Health & Libraries Broadband (SHLB) Coalition, the American Library Association, the Consumer Federation of America, Next Century Cities, Tribal Digital Village Network, Free Press, Common Cause, the Benton Foundation, and the Gigabit Libraries Network (together, the

¹ See Promoting Investment in the 3550-3700 MHz Band, Petitions for Rulemaking Regarding the Citizens Broadband Radio Service, GN Docket No. 17-258, RM-11788, RM-11789, *Notice of Proposed Rulemaking and Order Terminating Petitions*, 32 FCC Rcd 8071, 8074-8081 ¶¶ 9-27 (2017) (3.5 GHz NPRM).

Public Interest Spectrum Coalition).² In that letter PISC reiterated the importance of retaining small licensing areas with short terms and competitive renewal for the seven Priority Access Licenses (PALs).

As the record clearly demonstrates, with the exception of mobile carriers and their suppliers, every other interested industry and potential user of CBRS opposes upending the rules to create seven super-sized CMA licenses in the largest 306 markets.³ This reflects the fact that the robust 5G wireless ecosystem of greatest benefit to the U.S. economy and consumers will provide direct spectrum access for rural broadband, industrial IoT, neutral host networks, public sector institutions, and other private LTE networks customized and deployed on a local basis by the widest range of business firms and community anchor institutions.

A decision to adopt PALs as large as CMAs, rather than census tract license areas, would be a choice to ensure that *only* large mobile carriers (and perhaps regional cable ISPs) would have a realistic chance to acquire PALs at auction. Even if the Commission errs and decides to create larger PAL areas, **PISC urges the Commission not to compound this mistake and to preserve the current allocation of 80 megahertz for General Authorized Access (GAA), to maintain at least four census tract PALs nationwide, and to auction no PAL larger than a county.**

The Commission should reject proposals that it repurpose any of the 80 megahertz allocated for GAA.⁴ First, the GAA spectrum is intended to be a “low-cost entry point into the Citizens Broadband Radio Service for a wide array of users.”⁵ The Commission believed the availability of GAA spectrum would “promote competition, encourage flexible network deployments, and facilitate the efficient use of available spectrum.”⁶ It is likely that many users will rely on both PAL and GAA spectrum. The current PAL rules allow rural and small ISPs, individual business facilities and venues, and public-purpose networks – including schools, libraries, college campuses and municipal services – to leverage access to both interference-

² Public Interest Spectrum Coalition, *Ex Parte* Letter, *Promoting Investment in the 3550-3700 MHz Band*, GN Docket No. 17-258 (May 30, 2018).

³ See, e.g., CenturyLink *Ex Parte*, GN Docket No. 17-258 (filed June 8, 2018); General Electric *Ex Parte*, GN Docket No. 17-258 (filed June 7, 2018); Letter from American Petroleum Institute, Edison Electric Institute, Enterprise Wireless Alliance, Exelon Corporation, General Electric Company, Google LLC, Hospitality Technology Next Generation, Motorola Solutions, Inc., pdvWireless, Inc., Port of Los Angeles, Southern Linc, Union Pacific, and Utilities Technology Council, to Marlene H. Dortch, Secretary, Federal Communications Commission, GN Docket No. 17-258, at 7 (filed Apr. 25, 2018).

⁴ See American Petroleum Institute *Ex Parte*, GN Docket No. 17-258, at 1 (filed May 11, 2018).

⁵ See Amendment to the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band, GN Docket No. 12-354, *Report and Order and Second Further Notice of Proposed Rulemaking*, 30 FCC Rcd 3959, 4009 ¶ 155 (2015).

⁶ *Id.*

protected and GAA spectrum. Even the leading mobile carriers have expressed interest in using the GAA spectrum to meet their needs for mid-band spectrum.⁷ Eliminating any GAA spectrum would drastically compromise the utility of the 3.5 GHz band for users of all types. Second, any effort to re-assign GAA spectrum for additional PALs would create significant further delay in making the CBRS spectrum available for use. Last year, the Commission explicitly rejected proposals to reduce or eliminate the GAA.⁸ Re-opening this ill-conceived proposal would require a new Notice of Proposed Rulemaking, as well as potentially a separate and subsequent auction, causing further unnecessary delay.

We further emphasized that PAL areas as large as CMAs are neither necessary for mobile carriers, nor a good fit for this band. License areas as large as CMAs or even counties are not necessary to stimulate investment in mid-band spectrum and could easily lead to both a narrowing and a net reduction in overall investment and use of the band by excluding localized uses. Mobile carriers will not use this inherently small cell band to extend the *coverage* of their networks, but solely to enhance the *capacity* of their networks in targeted high-traffic areas.

If the FCC refrains from adopting a mobile carrier industrial policy – and lets the market work – the “5G” wireless ecosystem, just like the present 4G wireless ecosystem, will rely on a combination of centralized carrier networks (that are truly ‘mobile’) and a far larger number of complementary, high-capacity and customized networks deployed by individual business firms, property managers and individual households to meet their particular needs at a lower cost. The uncompromising, all-or-nothing approach of the mobile industry would largely foreclose that opportunity by unreasonably limiting the ability of schools, libraries, colleges, municipalities and tens of thousands of other localized users to compete for more than two PALs in their local area.⁹ Any hybrid scheme along these lines should include a fairly equal number of census tracts and counties – uniformly, on a national basis – and certainly no fewer than four census-tract PALs.

Concerning unlicensed access to TV White Space channels, the PISC representatives inquired about the status of the pending Vacant Channel and reconsideration proceedings. We reiterated our strong support for the Commission’s proposal to preserve at least one vacant television channel in every market nationwide for unlicensed use, as well as a second channel in any market where a TV station is repacked into the Duplex Gap post-auction.

⁷ See Monica Allevan, *AT&T eyeing GAA, but not too much until 3.5 GHz CBRS license rules are known*, FierceWireless, Mar. 5, 2018, <https://www.fiercewireless.com/wireless/at-t-eyeing-gaa-but-not-too-much-until-3-5-ghz-cbrs-license-rules-are-known>; Monica Allevan, *T-Mobile eyes GAA use of 3.5 GHz band ahead of licensed availability*, FierceWireless, Feb. 26, 2018, <https://www.fiercewireless.com/wireless/t-mobile-eyes-gaa-use-3-5-ghz-band-ahead-licensed-availability>.

⁸ 3.5 GHz NPRM, at 8092-93 ¶ 60.

⁹ See, e.g., Comments of Open Technology Institute at New America and Public Knowledge, GN Docket No. 17-258, at 26 (filed Dec. 28, 2017).

Concerning unlicensed sharing of the 5.9 GHz ITS band, the OTI representative inquired about the status of the OET bench testing results. He also suggested that if the Department of Transportation is not moving ahead to adopt a DSRC mandate, the Commission should open a Notice of Proposed Rulemaking to refresh the record and to explicitly reconsider the allocation of the 5.9 GHz band for ITS. If, as widely expected, Cellular-V2X emerges as the standard for car connectivity as an application of mobile carrier 5G networks, then the Commission should take a fresh, objective look at whether it would serve the public interest best to relocate the ITS safety-signaling channels to spectrum with better propagation and alignment with commercial 5G deployments. The Public Knowledge representative did not join this brief portion of the discussions.

Respectfully submitted,

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